

Remarks/Arguments

In the Office Action the Examiner indicated that the EP Search Report submitted on the Information Disclosure Statement was not a proper listing for an IDS. The Examiner indicated that the information from the EP Search Report had been considered but had been removed from the IDS. Submitted with this Amendment is a new IDS placing the EP Search Report Information in the proper context on the IDS form. It is submitted that this places this information in the proper form for listing on the IDS material that has been submitted by the applicant. If there is any difficulty with the way that the EP Search Report Information has been presented the applicants request that the undersigned attorney be contacted by telephone to allow any changes that are necessary to be made in the most efficient manner.

The Abstract of the disclosure was objected to as it exceeded 150 words in length. In this Amendment a new Abstract has been presented that is less than 150 words in length. It is applicant's position that the new Abstract overcomes the objection set forth by the Examiner and then the new Abstract obviates the Examiners objection to the specification.

In the Office Action claims 1-11 were rejected under 35 USC § 112, second paragraph, as being indefinite. In particular, the Examiner pointed out that claims 1 and 8 included the phrase "or the like" and that this phrase rendered the claims indefinite. In the Amended Claims the phrase "or the like" has been deleted from claims 1 and 8. The Examiner also indicated that claim 2 is indefinite as it was unclear if the element "at least one hole" referred to the previously claimed hole of claim 1 or if this was a new limitation. In the Amended Claims the word "the" has been placed in front of the limitation "at least one hole" to clarify that this reference is to the "at least one hole" previously referenced in claim 1. It is submitted that the Amendments to Claims 1, 2 and 8 address the rejections set forth by the Examiner under 35 USC § 112, second paragraph with regard to the claims.

Accordingly, the applicants respectfully request that the Examiner withdraw this basis for rejection for the claims.

Claims 1, 2 6-8 and 12 were rejected under 35 USC § 102 (b) as being anticipated by the Berger patent. The Berger patent shows a brake disc with key slots at uniformly spaced intervals on its outer circumference. Metal key slot reinforcing members are secured to the annular disc at each of the key slots. The metal reinforcing members are held in place with rivets. The rivets are positioned in holes that extend through the brake disc adjacent the outer circumference of the brake disc. However, the Berger patent reference does not show friction lining segments with a lock mechanism on one end and a lock counter mechanism on the other end as set forth in independent claims 1, 8 and 12 of the patent application. Further, the Berger reference does not show at least one hole in the vicinity of the lock mechanism or lock counter mechanism as recited in independent claims 1, 8 and 12. Accordingly, the Berger patent does not disclose or suggest the invention defined by applicant's claims. In fact, the Berger reference teaches away from applicant's invention as a separate metal reinforcing member is utilized to hold the friction lining material in place as opposed to the lock mechanism and lock counter mechanism in the friction lining segments as defined in applicant's claims. To the extent that there are holes provided in the friction lining segments of the Berger reference, such holes are not in the vicinity of the lock mechanism or lock counter mechanism as recited in applicant's independent claims 1, 8 and 12. In addition, the holes in the Berger reference are designed and disposed to receive rivets to secure the metal reinforcing members to the brake disc. As the holes of the Berger reference are filled with the rivets to hold the metal reinforcing member in place and are not in the vicinity of the locking mechanism or lock counter mechanism the holes of the Berger reference can not function in the same manner as the holes defined by applicant's independent claims 1, 8 and 12. In view of the distinction set forth above it is applicant's

position that the Berger reference does not teach or suggest the invention defined by applicant's claims and the Examiner is requested to withdraw this basis of rejection for the claims.

Claim 13 was rejected under 35 USC § 103 (a) over the previously discussed Berger reference. Claim 13 is dependent upon independent claim 12 and the comments with respect to the deficiencies of the Berger reference made with regard to the rejection of claim 12 under 35 USC § 102 (b) are repeated with respect to this rejection of claim 13. The applicants also agree with the Examiner that the Berger reference does not disclose or suggest that the lock mechanism or lock counter mechanism on the friction lining segments can be cut essentially perpendicular to a fiber direction. There's nothing in the Berger reference that deals with cutting a friction lining segment essentially perpendicular to a fiber direction. As the Berger reference does not disclose or suggest cutting the friction lining segments with respect to a fiber direction this reference can not make it obvious to cut such a friction lining segment essentially perpendicular to a fiber direction. In view of the deficiencies that have been established for the Berger reference it is submitted that this reference does not disclose or suggest invention defined by claim 13. Accordingly, the Examiner is requested to withdraw this basis of rejection for claim 13.

Claim 14 was rejected under 35 USC § 103 (a) as being unpatentable over the Berger reference in view of the Quigley reference. The Quigley reference discloses a friction disc that can be mounted on a carrier. However, the Quigley reference does not disclose or suggest positioning at least one hole in the vicinity of the lock mechanism or the lock counter mechanism as set forth in claim 14. Accordingly, the Quigley does not provide the deficiencies of the previously discussed Berger reference and it is submitted that the Quigley reference, taken alone or in combination with Berger reference, does not disclose or suggest

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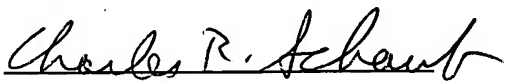
applicant's claimed invention. Accordingly, the Examiner is requested to withdraw this basis of rejection for the claims.

In the Office Action the Examiner indicated that claims 3-5, 9-11, 14 and 15 would be allowable if rewritten to overcome the rejections under 35 USC § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Claims 3, 9 and 15 have been rewritten to overcome the rejections under 35 USC § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Accordingly, it is respectfully submitted that claims 3, 9 and 15, and the claims dependent thereon are now in condition for allowance.

In the Office Action the Examiner did not take action with respect to new claims 16-20 that were added in the Preliminary Amendment. As these new claims all depend from directly or indirectly from allowed claim 9 it is applicant's position that new claims 16-20 are in condition for allowance. However, since the Examiner did not specifically recite these claims in the Office Action, if there is any question concerning these claims it is respectfully requested that the Examiner contact the undersigned attorney by telephone to discuss these dependent claims.

In view of the arguments and distinctions set forth above it is applicant's position that the claims as presented in this Amendment are in condition for allowance. Accordingly, a favorable action on the claims is respectfully requested.

Respectfully submitted,
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